IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

MONTVALE SURGICAL CENTER,

a/s/o JUSTIN GUTSCHMIDT,

Motion Day: August 6, 2012

Plaintiff

.

:

v. : Civil Action No. 2:12-cv-3685

•

HORIZON BLUE CROSS BLUE SHIELD

OF NEW JERSEY, INC.,

DISTRICT COUNCIL IRONWORKERS FUNDS OF NORTHERN NEW JERSEY,

ABC CORP. 1-10,

DEFENDANT DISTRICT

COUNCIL IRONWORKERS

FUNDS OF NO. NEW JERSEY'S

MOTION TO DISMISS

Defendants

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant District Council Ironworkers Funds of Northern New Jersey ("Funds"), by and through their attorneys, hereby file the following Motion to Dismiss. This Motion is supported by the attached Memorandum of Law.

WHEREFORE, Defendant respectfully requests that this Honorable Court grant the instant Motion to Dismiss Plaintiff's Complaint with prejudice

Respectfully submitted,

CLEARY, JOSEM & TRIGIANI LLP

BY: /s/ Regina C. Hertzig

REGINA C. HERTZIG, ESQUIRE One Liberty Place, 51st Floor 1650 Market Street Philadelphia, PA 19103 (215) 735-9099

Attorneys for Defendant, District Council Ironworkers Funds Of Northern New Jersey

Dated: July 3, 2012